

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DIANA BEESE,

Plaintiff,

v.

STATE FARM INDEMNITY COMPANY,
et al.

Defendants.

Civil Action No.: 14-4905 (JLL)(JAD)

ORDER

THIS MATTER comes before the Court by way of United States Magistrate Judge Joseph A. Dickson's April 13, 2015 Report and Recommendation [Docket Entry No. 21], recommending that the undersigned dismiss Plaintiff's Complaint [Docket Entry No. 6] without prejudice for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(h)(3). Magistrate Judge Dickson filed his Report and Recommendation pursuant to 28 U.S.C. § 636 (b)(1)(B). In particular, Magistrate Judge Dickson recommended that Plaintiff's Complaint be dismissed, without prejudice, because by letter dated April 9, 2015, Plaintiff's counsel acknowledged that the Court is "now lacking subject matter jurisdiction" and requested that the Court remand the case to New Jersey Superior Court (ECF No. 20). Judge Dickson further noted that Plaintiff commenced the instant matter in federal court (i.e., it was not removed from the New Jersey Superior Court). Therefore, Judge Dickson stated, this Court's only recourse is to recommend that the District Court dismiss the case pursuant to Federal Rule of Civil Procedure 12(h)(3). To date, the Court has received no objections with respect to Magistrate Judge Dickson's April 13, 2015 Report and Recommendation, and for good cause shown,

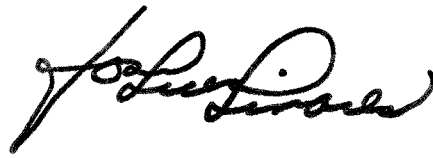
IT IS on this 21 day of May, 2015

ORDERED that the Report and Recommendation of Magistrate Judge Dickson, filed on April 13, 2015 [Docket Entry No. 21], is hereby **ADOPTED** as the findings of fact and conclusions of law of this Court; and it is further

ORDERED that Plaintiff's Complaint [Docket Entry No. 6] is hereby dismissed without prejudice for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure

12(h)(3).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Jose L. Linares", written in a cursive style.

Jose L. Linares
United States District Judge